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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,302	09/14/2006	Toshihiko Shimakawa	5183-0101PUS1	7523
2292 7590 03/07/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HSIEH, PING Y	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 03/07/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

10/539,302

Applicant(s)

SHIMAKAWA ET AL.

Examiner

Ping Y. Hsieh

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/21/07, 6/16/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Westervelt et al. (U.S. PG-PUB NO. 2002/0073196).

-Regarding claims 1, 7, 9 and 10, Westervelt et al. disclose an analyzing system comprising: a collecting unit for collecting a survey result of a pre-designated survey from a terminal device (**server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38**); a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device (**geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer**

**terminal 40 as disclosed in paragraph 33 and 38); and an analyzing unit for carrying out a predetermined analysis on the basis of the collected survey result in consideration of said reliability (individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44).**

-Regarding claim 2, Westervelt et al. further disclose said analyzing unit comprises: an extracting part for selecting a survey result to be analyzed on the basis of said reliability **(server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information, preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer terminal 40 as disclosed in paragraph 35); and an analyzing part for carrying out said analysis on the basis of the selected survey result (individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the**

**formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44).**

-Regarding claim 3, Westervelt et al. further disclose said external environment information is survey position information specifying the position of said terminal device at the time point when said survey is conducted **(geographical location of mobile unit 10 as disclosed in paragraphs 33-34).**

-Regarding claim 4, Westervelt et al. further disclose said survey includes survey target position information specifying a target point of a survey **(individual activity, location and project as disclosed in paragraph 38),** and said determining unit determines reliability of said survey result on the basis of said survey target position information and said survey position information **(geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38).**

-Regarding claim 5, Westervelt et al. further disclose a plurality of survey results exist for the same survey, said extracting unit selects a survey result of high reliability **(server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting**

**software in a system user's computer terminal 40 as disclosed in paragraph 38).**

-Regarding claim 6, Westervelt et al. further disclose a providing unit for transmitting said survey to said terminal device **(as disclosed in paragraph 38).**

-Regarding claim 8, Westervelt et al. disclose a survey result collecting system comprising: a collecting unit for collecting a survey result of a pre-designated survey from a terminal device **(server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data regarding individual 20 activity, location, or project as disclosed in paragraph 38);** a determining unit for determining reliability of the survey result on the basis of external environment information at a survey point and said survey added to said survey result by said terminal device **(geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38);** an extracting unit for selecting a survey result on the basis of said reliability **(server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information, preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer**

**terminal 40 as disclosed in paragraph 35); and an output unit for outputting the selected survey result (as disclosed in paragraph 38).**

-Regarding claims 11 and 16, Westervelt et al. disclose an analyzing system comprising: a providing unit for providing a program which is adapted to specification of a terminal device and can be executed in said terminal device to said terminal device via a network (**server unit 50 preferably enables a system user to send/receive instructions or messages to individual 20 and enables a system user to view data regarding individual 30 activity, location, or project as disclosed in fig. 1 and fig. 3 and further disclosed in paragraph 38); and a collecting unit for collecting a survey result which is obtained by executing said program in said terminal device and includes external environment information of said terminal device from said terminal device via said network (geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38).**

-Regarding claim 13, Westervelt et al. further disclose said collecting unit stores external environment information included in said survey result and an ideal value to be obtained in said survey result so as to be associated with each other (**server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to**

**view data regarding individual 20 activity, location, or project as disclosed in paragraph 38).**

-Regarding claim 14, Westervelt et al. further disclose a determining unit for determining reliability of a survey result on the basis of said external environment information included in said survey result (**geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38**); and an analyzing unit for carrying out a predetermined analysis on the basis of a collected survey result in consideration of the reliability of the collected survey result (**individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44**).

-Regarding claim 15, Westervelt et al. further disclose a survey result storing unit for storing said survey result (**server unit 50 provides data storage for information moving through interface 60 as disclosed in paragraph 38**);



and an extracting unit for selecting a survey result to be analyzed from said survey result storing unit on the basis of said reliability (**server unit 50 receive an appropriate authorization code and mobile unit 10 identification, such as phone number information, preferably prompts server unit 50 to initiate a program which geographically locate the position of mobile unit 10 and provide geographic position information to a system user at computer terminal 40 as disclosed in paragraph 35**), wherein said analyzing unit carries out a predetermined analysis on the basis of the selected survey result (**individual 20 communicates to system user 200 data 300 comprising detailed worker information 310 and project information 320; data 300 is preferably used by system user 200 for administrative purposes to monitor individual 20 activity; and the formatted data 300 can be seamlessly applied to system user software 230 wherein data 300 is preferably processed into constructive reports for delivery to various administrative departments such as sales and marketing 350 as disclosed in paragraph 43 and 44**).

-Regarding claim 17, Westervelt et al. further disclose said collecting unit accepts survey results of a survey until a predetermined time limit which is set for each survey (**as disclosed in paragraph 39**).

-Regarding claim 19, Westervelt et al. further disclose said terminal device presents a survey by executing said program (**server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as**

**disclosed in paragraph 38), said survey result includes position information of said terminal device when said survey is presented and external environment information different from said position information, which is obtained by an external environment data obtaining unit of said terminal device when said survey is presented, and said survey result storing unit stores said position information and said external environment information so as to be associated with each other (geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38).**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westervelt et al. (U.S. PG-PUB NO. 2002/0073196) in view of Pendragon (internet article April 2000, XP002393717).

-Regarding claim 12, Westervelt et al. disclose all the limitation as claimed in claim 11. Westervelt et al. further disclose enabling a system user to send/receive instructions or message to individual 20 as disclosed in paragraph

38. However, Westervelt et al. fail to specifically disclose the instructions or message is a survey information file storing unit for storing a plurality of programs prepared for respective surveys, wherein on the basis of specifications of said terminal device, said providing unit reads a program of a survey corresponding to the specifications from said survey information file storing unit and provides it to said terminal device.

Pendragon discloses a survey information file storing unit for storing a plurality of programs prepared for respective surveys (**Pendragon forms configuration database as disclosed in fig. 1 and further disclosed in paragraphs 1 and 2 in page 3**), wherein on the basis of specifications of said terminal device, said providing unit reads a program of a survey corresponding to the specifications from said survey information file storing unit and provides it to said terminal device (**as disclosed in page 5, paragraph "Distributing Forms to Handhelds"**).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the instructions of Westervelt et al. to be replaced with the forms as disclosed by Pendragon. One is motivated as such in order to provide configurations to the survey and improve accuracy.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westervelt et al. (U.S. PG-PUB NO. 2002/0073196) in view of Fuccello et al. (7,092,369).

-Regarding claim 18, Westervelt et al. disclose all the limitations as claimed in claims 11 and 17. Westervelt et al. further disclose a log storing unit for managing a survey a surveyor takes charge of on a surveyor unit basis **(server unit 50 provides data storage for information moving through navigable interface 60 as disclosed in paragraph 38)**. However, Westervelt et al. fail to specifically disclose a notifying unit for, when the remaining period to said time limit becomes shorter than a predetermined period, sending a notification of urging a surveyor in charge of the survey to transmit a survey result to the surveyor.

Fuccello et al. disclose a notifying unit for, when the remaining period to said time limit becomes shorter than a predetermined period, sending a notification of urging a surveyor in charge of the survey to transmit a survey result to the surveyor **(as disclosed in col. 3 line 66-col. 4 line 2)**.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the analyzing system of Westervelt et al to include the notification unit as disclosed by Fuccello et al. One is motivated as such in order to notify user the shortage of time for completing the survey and prevent loss of survey data.

-Regarding claim 20, the combination further discloses said terminal device presents a survey by executing said program **(Westervelt et al., server unit 50 preferably enables a system user to receive instructions or messages to individual 20 and enables a system user to view data**

**regarding individual 20 activity, location, or project as disclosed in paragraph 38), said survey result includes position information of said terminal device when said survey is presented (Westervelt et al., geographic position determination unit 30 provides geographic location of mobile unit 10 to a system user; and server unit 50 also operate to format inputted/downloaded data from geographic position determination unit 30 for accounting software in a system user's computer terminal 40 as disclosed in paragraph 33 and 38) and an image captured by said terminal device when said survey is presented (Fuccello et al., as fig. 5 and fig. 6), and said survey result storing unit stores said position information and said image so as to be associated with each other (Westervelt et al., server unit 50 provides data storage for information moving through interface 60 as disclosed in paragraph 38).**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Y. Hsieh whose telephone number is 571-270-3011. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on 571-272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PH

  
2-27-08

LANA LE  
PRIMARY EXAMINER